

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
EUGENE OKOH,

Petitioner,

- against -

UNITED STATES OF AMERICA,

Respondent.
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USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4-11-08

07 Civ. 6734 (VM)

CONDITIONAL
ORDER OF DISCONTINUANCE

VICTOR MARRERO, United States District Judge.

Counsel for respondent on behalf of the parties, having notified the Court, by letter dated April 11, 2008, a copy of which is attached, that the parties have engaged in productive discussions likely to resolve this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty(30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for petitioner may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the respondent shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the respondent shall be directed, without the necessity of additional process, to respond to the pending petition

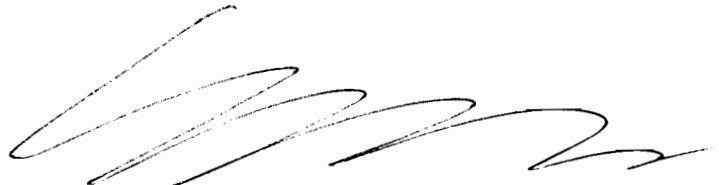
within thirty days of the petitioner's application for reinstatement. This Order shall be deemed a final discontinuance of the action with prejudice in the event petitioner has not requested restoration of the case to the active calendar within such period of time.

The briefing schedule with regard to the pending petition is extended as set forth above in the event petitioner notifies the Court that the parties' settlement was not effectuated and that a ruling on the petition is necessary to resolve this matter.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
11 April 2008



VICTOR MARRERO
U.S.D.J.



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

April 11, 2008

BY HAND AND FACSIMILE

212-805-6382

Honorable Victor Marrero
United States District Court
500 Pearl Street
New York, New York 10007

Re: United States v. Eugene Okoh
06 Cr. 009 (VM)
07 Civ. 6734 (VM)

Dear Judge Marrero:

The Government respectfully requests an additional 30 days to respond to defendant Eugene Okoh's § 2255 petition. The parties appear close to reaching agreement on resolving Okoh's petition, in a manner which we hope will obviate further litigation. We need some additional time to complete that agreement. Sam Schmidt, Esq., counsel for the defendant, has indicated that he joins in the Government's request for an extension.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

By: 

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